

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------------|---|-------------------------|
| SCHNUCK MARKETS, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | Case No. 4:13CV2226 JAR |
| FIRST DATA MERCHANT DATA |) | |
| SERVICES CORP., and |) | |
| CITICORP PAYMENT SERVICES, INC. |) | |
| |) | |
| Defendants. |) | |

STATUS REPORT (WITH CONSENT)

COMES NOW Plaintiff/Counterclaim Defendant Schnuck Markets, Inc. ("Plaintiff"), by and through its undersigned counsel, and with the consent and agreement of counsel for Defendants/Counterclaim Plaintiffs First Data Merchant Services Corp. and Citicorp Payment Services, Inc. (collectively, "Defendants"), states the following in response to the Court's February 22, 2017 Order [Doc. No. 115] to provide an updated status report:

1. On February 22, 2017, the Court held a telephonic status conference at which time the parties informed the Court that they were working on resolving the remaining issues that were not addressed by the Eight Circuit Court of Appeals.
2. On the same day, the Court ordered an updated status report within twenty-one (21) days.
3. With the consent and agreement of Defendants, Plaintiff informs the Court that the parties have reached an agreement-in-principle on the remaining issues that were not addressed by the Eighth Circuit Court of Appeals.

4. The parties respectfully request that the Court continue this matter for thirty (30) days to afford the parties the opportunity to finalize and memorialize the agreement-in-principle of the remaining issues and to file appropriate dismissals of the remaining claims.

WHEREFORE, with consent and agreement of Defendants, Plaintiff respectfully requests the Court to continue this case for thirty (30) days.

Dated: March 15, 2017

Respectfully submitted,

By /s/ Kevin F. Hormuth
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Attorneys for Plaintiff Schnuck Markets, Inc.

CERTIFICATE OF SERVICE

I certify that on the 15th day of March, 2017, the foregoing Status Report was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By /s/ Kevin F. Hormuth